

OPRA ARA Briefing on Dewey Burdock Project
Wednesday, March 4, 2015 10 to 11 am

Purpose: To report on: 1) status/timing of UIC permitting actions; 2) status of ESA assessment; and 3) post-restoration monitoring requirements (time permitting).

Status of UIC Actions: *See Timeline graphic (attached Figure 1)*

Draft permits and Aquifer Exemption Record of Decision will be issued after the Atomic Safety and Licensing Board (ASLB) has rendered a decision on contentions raised during the NRC process. The ASLB decision is now expected by 3/10/15. Earliest expected date for draft permit issuance is April/May 2015.

Class III Area Permit – Review Status

- ORC review is ongoing.
- UIC Technical Enforcement review is complete and comments are being addressed.
- OGWDW review complete. No major comments.

Class III Aquifer Exemption – Review Status

- ORC review is ongoing.
- EP&R review is complete and all comments have been addressed.
- OGWDW review is complete – comments received on current source issue below.
- OGC review complete – comments received on current source issue below.

Class V Area Permit – Review Status

- ORC review is ongoing.
- UIC Enforcement review completed on 2/27/15. Currently awaiting receipt of comments.

ESA Consultation

- FWS liaison review is ongoing.
- Biological Assessment document in preparation.
- FWS consultation letter for management review by 3/12/15.

Update on Current Source Issue

Well 16 located inside AE boundary:

- Well 16 serves a seasonal residence, is disconnected from the house, and is only used for stock watering. All drinking water is supplied via a local cistern.
- South Dakota Water Rights Program does not distinguish between drinking water and stock water use designations under the regulatory definition of “domestic use.”
- A well owner can change well use from “stock water” to “drinking water” without notifying the Water Rights Program.
- The Water Rights Program cannot prevent changes in well use as long as the uses fall under the regulatory definition of “domestic use.”

Ex. 5 AC/DP

Overview of Class III Post-Restoration Monitoring Requirements

- Addresses UIC regulatory requirement that no contaminants may cross the AE boundary.
- Imposes new requirements that haven't been previously included in State ISR permits:
 - Collection of core for laboratory testing
 - Determining baseline water quality at a downgradient compliance boundary
 - Extended time for baseline monitoring
 - Geochemical modeling requirements
 - Requires Permittee to submit a post-restoration monitoring plan to EPA for approval.
- Allows Permittee to select a downgradient compliance boundary either at the perimeter monitoring well ring or at a closer location, to decrease time required for monitoring.
- Post-restoration monitoring process:
 - Link to NRC determination of wellfield restoration
 - Link to EPA 40 CFR Part 192 update
- Determining compliance